

Applic. No.: 10/727,753

Amdt. Dated February 27, 2006

Reply to Office action of November 29, 2005

REMARKS/ARGUMENTS

Reconsideration of the application is requested.

Claims 1 and 3-5 remain in the application. Claim 1 has been amended. Claim 2 has been previously cancelled.

In item 4 on page 2 of the above-identified Office action, claims 1 and 3-5 have been rejected as being indefinite under 35 U.S.C. § 112, second paragraph.

More specifically, the Examiner has stated that there is no proper antecedent basis for all terms present.

The Examiner's rejection is not understood. Since the terms "a vertical line," "a tube section," and "an upper side" in claim 1 all occur for the first time, no antecedent basis is required. The Examiner is thus requested to withdraw this rejection.

Nevertheless, the language of claim 1 has been slightly modified in order to even more clearly define the invention of the instant application and to help the Examiner's understanding. More specifically, the elbow (28c) has now been defined as having an elbow angle causing a lower end of

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the elbow to be immersed obliquely with respect to the horizontal defined by the surface of the cooling liquid in the condensation chamber. This can be clearly seen in Fig. 2 of the instant application.

It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, second paragraph. Should the Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be resolved. The above-noted changes to the claims are provided solely for cosmetic and/or clarificatory reasons. The changes are neither provided for overcoming the prior art nor do they narrow the scope of the claims for any reason related to the statutory requirements for a patent.

In item 5 on page 3 of the above-mentioned Office action, claims 1 and 5 have been rejected as being unpatentable over Krebs Fig. 4 in view of Garabedian (US 4,986,956) under 35 U.S.C. § 103(a).

In item 6 on pages 4-5 of the above-mentioned Office action, claims 3-4 have been rejected as being unpatentable over Krebs Fig. 4 in view of Garabedian and further in view of either John et al. ("Introduction to Fluid Mechanics," Second

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Edition) or Nayyer ("Piping Handbook," Seventh Edition) under 35 U.S.C. § 103(a).

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and the claims have, therefore, not been amended to overcome the references.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 calls for, inter alia:

said lower end of said condensation tube being formed with an elbow leading into an outlet nozzle;

said elbow having an elbow angle causing a lower end of said elbow to be immersed obliquely with respect to the horizontal; and

said outlet nozzle of said condensation tube being formed by a tube section having a lower side proximal to said base of said condensation chamber and an upper side distal from said base, and said lower side being longer than said upper side.

Fig. 4 of Krebs shows the containment and internals of the SWR 1000 design. However, as admitted by the Examiner, Krebs does not disclose the geometry of the outlet nozzle as defined in the invention of the instant application.

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Applicant does not agree with the Examiner's assessment that the invention of the instant application is obvious over a combination of Krebs and Garabedian. The invention of the instant application specifies that, on the one hand, the outlet nozzle (28d) has an inclined or sloping outlet surface and, on the other hand, the outlet nozzle is also directly connected to an elbow (28c). In other words, in the invention of the instant application, the outlet nozzle with its sloping outlet surface is not arranged directly at the end of a straight pipe, but rather it is connected to a curved pipe bend.

As already discussed in the response to the previous Office action, the combination of the sloping nozzle surface and the curved pipe elbow according to the invention of the instant application achieves an especially good and simply controllable stream guidance of the media in the pipe. The combination of the pipe elbow with the subsequent outlet nozzle having a sloping outlet opening can achieve both a relatively gentle direction deflection of the vapor stream and a reliable and extensive mixing of the occurred vapor with the surrounding water. Only through the above combination of measures is a stream guidance of the occurred vapor possible in such a way that an especial tender mixing with relatively gently maintained stream guidance is achieved.

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In contrast, Garabedia only discloses outlet nozzles that are attached to straight pipes. Although the outlet nozzles in Garabedia may have sloping outlet surfaces, Garabedia does not disclose or suggest that such an outlet nozzle could be combined with an elbow connected before it. This kind of elbow is also not disclosed by Krebs.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1 and 3-5 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate a telephone call so that, if possible, patentable language can be worked out. In the alternative, the entry of the amendment is requested as it is believed to place the application in better condition for appeal, without requiring extension of the field of search.

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If an extension of time for this paper is required, petition for extension is herewith made. Please charge any fees which might be due with respect to 37 CFR Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,


For Applicant

Yonghong Chen
Reg. No. 56,150

YC

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Lerner and Greenberg, P.A.
Post Office Box 2480
Hollywood, FL 33022-2480
Tel: (954) 925-1100
Fax: (954) 925-1101